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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/058,097
Filing Date: January 29, 2002
Appellant(s): FRISKEL, JAMES

Patrick G. Billig
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 3/27/2009 appealing from the Office action mailed 10/27/08.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appeal number 2007-1961 (Nov. 14, 2007).

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 29-32, 34-44, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application 2002/0070978 (Wishoff et al), further in view of US patent 6,292,185 (Ko et al).

- As for claims 29, 35, 41: Wishoff et al (hereinafter Wishoff) teach a method and corresponding system for creating and modifying a graphical user interface of a network connected computer using a graphic file (0114) and configuration file (0115) pair, comprising:
- accessing the graphic file (0114), wherein the graphic file comprises the full extent and external boundary of the graphical user interface (each graphic object is defined by full extend of screen coordinates 0038),
- accessing the configuration file (0115, 0121), the configuration file comprises header information, style points and activation region definitions (Appendix A),
- modifying data in the graphic file and configuration file pair to effect the creation and modification of the GUI (0123).
- Wishoff's teaching of OLE, Activex, COM (0026) appears to inherently include the implementation of importing DLL files into a process running on a computer system and the initiation of a recursive use of respective graphic files and configuration file pairs. Even if it is not, implementation of importing DLL files into a process running on a computer system and the initiation of a recursive use of the files is disclosed by

Ko et al (Ko's 5:22-25, 7:10-17). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ko's teaching of implementation of DLL to activation region definition for importing DLL files into a process running on a computer system and the initiation of a recursive use of the files respective graphic files and configuration file pairs. Motivation of the combining is for the well known advantages of conserving memory until being used, easy program maintenance, and recursive usage. Wishoff fails to clearly teach executing a graphic engine process on the user computer, however Ko teaches the local storing of the graphic file and the configuration file at the user computer and processing the customization of the GUI at the user computer (5:45-64, 6:27-34). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ko's teaching of storing the graphic file and the configuration file at the user computer and processing the customization of the GUI at the user computer, motivation of the combining is for providing user control of the editing and also providing less computation stress at the server. The customized graphic file and configuration file are updated with the server (Ko's 8:30-37).

- As for claims 30, 36, 42: The activation of a GUI element points to the corresponding files corresponding a second image of the GUI element wherein the second image is defined in another computer file (see appendix A).
- As for claims 32, 38, 44: The configuration file is read for processing the graphic file (0011, 0012, 0067, 0115).

- As for claims 34, 40, 46: The state of the GUI is selected from a group consisting default state, selected state, and activated state (appendix A, page 13, See the teaching of menu button including upimage, downimage, rolloverimage).
- As for claims 31, 37, 43: Wishoff's figure 3 shows a plurality of GUI elements having different shape and size. However Wishoff fails to clearly teach defining the polygon corresponding to external boundary of the graphical image wherein the polygon comprises a non-rectangular irregular shape. However in the same field of invention Ko et al teach the implementation of the polygon having a non-rectangular irregular shape (Ko's 6:55-60, 8:10-11). It would have been obvious to one of skill in the art to combine Ko's teaching of the polygon comprises a non-rectangular irregular shape for graphical enhancement of the GUI appearance. Wishoff's figure 3 further shows the graphical elements with imaginative use of different color, thus partitioning the graphical image into transparent and visible color would have been obvious in light of Wishoff's teaching (0034).

- As for claim 39: Wishoff fails to clearly teach that at least one of the groups consisting of the graphics file and configuration file is updated dynamically by a server computer couple to the computer system. However in the same field of invention Ko et al teach the implementation of dynamically updating at least one of the groups consisting of the graphics file and configuration file (Ko's 5:52-64). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ko's teaching of dynamically updating at least a group consisting of the graphics file and configuration file by a server. Motivation is for dynamically updating the files.

**(10) Response to Argument**

The Wishoff et al. reference: Wishoff et al (hereinafter Wishoff) teach a computer implemented system and corresponding method for presenting a dynamically configurable graphical user environment. The system comprises a configuration file called a "skin" file which controls the look, layout, and the behavior of the graphical desktop (abstract, 0012, 0067, 0115), and a graphic file comprises a library of graphical elements (0001, 0114), an interface engine in communication with the configuration file and the graphic file (library of graphical elements) to provide a highly customizable graphical user interface (abstract).

The Ko et al reference: The Ko et al (hereinafter Ko) teach a method and corresponding apparatus for customizing the appearance of a graphical user interface, such as a web browser (abstract). A customized web browser comprises a plurality of files, including customization data files default.xtd, default.xtc and main.bmp (4:12-24). File default.xtd is a graphic file used in the display of the customized web browser (6:38-39). The default.xtd file specifies the screen coordinates in which a decoded HTML is to be displayed and includes image files used in the display of customized web browser (6:8-11). The image files of the default.xtd comprise image files for displaying the background 702, buttons 704-710, and the dimensions of area 714 (8:21-27).

The argument: The appellant argues that Wishoff fails to teach a graphic file comprises the full extend and external boundary of the graphical user interface. In response to the argument, Wishoff discloses a Jaguar window interface that covers the entire screen and not have a title bar or borders wherein the client area extends to edges of the screen. The window has

resolution and color. The window is a graphical element, thus is part of the graphic file (library of graphical elements, 0034, 0038, 0114).

The appellant further argues that Wishoff and Ko do not teach graphic file and configuration file. In response to the argument, the library of graphical elements is a graphic file (abstract, 0011, 0114) and the "skin" file is a configuration file as clearly defined by Wishoff (0012, 0067, 0115). The appellants further argues that Wishoff does not teach modifying data in the graphic file and configuration file *pair*. In response to the argument, Wishoff clearly teach modifying data in the graphic file, wherein *"the user may change certain aspects of the screen. The library of graphical elements can be modified to add further elements or change those already present."* (0011, 0114). The configuration file is also editable by authorized personnel (0069, 0071, 0118), modifiable to change the appearance and behavior of the interface (0114 – 0116, 0126). The configuration file comprises header information (Appendix A, page 11, the comment header "/*" and the "#include" header), style points (Appendix A, page 11, the "#Define MenuFontName", "Define MenuFontSize", "#Define MenuFontStyle", "#Define MenuFontColor" statements), activation definitions such as for Email, Address book, Calendar, etc (Appendix A, page 13, see [MenuButton Cw_Email], [Menubutton Cw_AddBook], [MenuButton Cw_Calendar]). Wishoff teaching of the "Call" and "Launch" in the Zap_Mail, Zap_AddBook, Zap_Calendar and also the statement "DoradoSkin.DLL" (appendix A, pages 11, 13) appears to imply the implementation of dynamic linking and embedding. Even if it is not, implementation of dynamic linking and embedding is disclosed by Ko (5:22-25, 7:10-17). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Ko's teaching of dynamic linking and embedding to Wishoff. Motivation of the

combining is for the well known advantage of conserving memory until being used, easy program maintenance, and recursive usage, i.e DLL objects can be recursively called and launched.

**(11) Related Proceeding(s) Appendix**

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ba Huynh/

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